



CITY OF ATLANTA

Kasim Reed
Mayor

226 Peachtree Street
Atlanta, Georgia 30303
(404) 546-6900

Atlanta Police Department
George N. Turner
Interim Chief of Police

June 30, 2010

Ms. Joy Morrissey, Chair
Atlanta Citizen Review Board
55 Trinity Avenue, SW
City Hall Tower, Suite 9100
Atlanta, GA 30303

RE: 10- 16 Complaint of David Shepherd

Dear Ms. Morrissey:

I am in receipt of the Atlanta Citizen Review Board's letter, dated June 14, 2010, recommending that the allegation of false arrest and abuse of authority against Investigator Bennie Bridges and Sergeant John Brock be Sustained.

The Atlanta Police Department's Office of Professional Standards has commenced its own investigation (*OPS file #09-C-0387-MISC*) into these allegations, and the investigation is ongoing. Upon completion of our investigation, we will forward our findings to the ACRB.

If you have any further concerns regarding this complaint, Major M. A. Perdue, Commander of the Office of Professional Standards, can be contacted at (404) 658-6830.

Sincerely,

A handwritten signature in cursive script, reading "George N. Turner".

George N. Turner
Interim Chief of Police

GNT/nk

cc: Ms. Cristina Beamud, ACRB
Asst. Chief P. N. Andresen
Major M. A. Perdue
File



June 14, 2010

ACRB Members

Interim Chief George Turner
Department of Police
City of Atlanta
226 Peachtree Street, S.W.
Atlanta, Georgia 30303

RE: 10-16 Complaint of David Shepherd

Dear Chief Turner:

The Atlanta Citizen Review Board ("ACRB") completed its investigation and adjudication of the complaint that was filed by David Shepherd against members of the Atlanta Police Department's Red Dog Unit and Vice Squad Units. Mr. Shepherd alleges that he was falsely arrested at the Eagle Bar on September 10, 2009.

Mr. Shepherd stated that while he is employed by the Eagle Bar, he was not working on September 10th. He lives in an apartment upstairs from the bar and was at home when the police arrived. He claims that he was watching television and heard a loud banging at this door. He opened the door and two uniformed Atlanta police officers told him that he had to leave the apartment and accompany them downstairs to the bar. He complied. He observed that all of the customers were laying face down on the floor and the employees were sitting with their backs against the wall. After the customers were released, he asked officers for permission to retrieve his wallet and keys that were in his apartment. He was permitted to go to his apartment and he returned to the bar and went to the parking lot. He said that as he was leaving the parking lot, he was handcuffed, placed in a wagon and taken to jail. He was charged with Operating a Business Without a License and Employer to Maintain Current Permits. The date of the alleged offense was September 10, 2009. The citation was signed by Investigator BE Bridges and approved by Sergeant Brock. The citation indicated that Investigator Bridges wrote, "Manage the Atlanta Eagle Club and allowed Strippers to dance on the bar without a valid permit to do so. Subject did not have a Business License to operate an adult Entertainment Business." The charges were dismissed by the Municipal Court on March 11, 2010. Investigator Bridges could not identify him and there was no further testimony to support this charge. The Atlanta Police Report associated with this incident contains no reference to any activity by Mr. Shepherd on September 10, 2009 or any other date.

The investigation revealed that Officer Condon, Sergeant Adams, Investigator Bridges and Sergeant Brock went to Mr. Shepherd's apartment and directed him to go to the bar area. Investigator Bridges was interviewed concerning his observations which resulted in this arrest. He invoked his Fifth Amendment right and when specifically asked what type of illegal activity he observed on the night of September 10, 2009, he responded that all of the information was contained in the police report. He denied going to the apartment and denied using abusive language.

Sergeant Brock was interviewed concerning his observations. He said that all of the information was contained in the police reports and he refused to answer questions concerning his observations of the behavior within the Eagle Bar on that night. He stated that the information was contained within his police report.

It is uncontroverted that Mr. Shepherd is employed by the Eagle Bar but was not working on the day of the arrest. The statement of Officer Condon confirms Mr. Shepherd's assertion. The incident reports are silent as to any conduct by Mr. Shepherd either on the date of the arrest or any other date. Since no further information was offered by Sergeant Brock or Investigator Bridges, the date of the offense, as it appears on the citation, is September 10, 2009. Officer Condon was interviewed and confirmed that Mr. Shepherd was upstairs in an apartment when the police arrive. He was not working on the date of the offense. Even if Investigator Bridges were mistaken as to the date of the offense, there is no support for the allegation that Mr. Shepherd committed the offenses that he was charged with violating. While both Sergeant Brock and Investigator Bridges insisted that the information was in the police report, the report is silent as to Mr. Shepherd's activities on any of the other dates that the police were at the bar.

The Board considered the testimony of the officers, the police reports, and the complainant's statement and reached the conclusion that Investigator Bridges and Sergeant Brock were responsible for this arrest, since their names appear on the citation. The Board applied the definition of False Arrest as it appears in the ordinance. False arrest means the arrest by a police officer of the wrong person without probable cause to believe a crime has been committed and/or without a warrant and/or when the arresting party knowingly holds someone who has not committed a crime. The arrest of Mr. Shepherd was not based upon probable cause. Thus, the Board found that Investigator Bridges and Sergeant Brock violated SOP 3030, 4.1.4 which requires officers to establish probable cause before arresting an individual. The recommendation is that the Chief of Police **Sustain this complaint.**

The Board further discussed the recommendation for appropriate discipline. They considered the disciplinary history of the officers and applied the guidelines set forth in the Atlanta Police Department's SOP governing discipline. They classified the offense of

Interim Chief George Turner

June 14, 2010

Page 3

false arrest as a Class B offense of abuse of authority and determined that neither of the two officers had any sustained findings within the reckoning period. The Board voted to recommend that Investigator Bridges receive a written reprimand. However, they considered Sergeant Brock's supervisory duties and recommended that he receive a three day suspension without pay for failure to supervise and for the false arrest of Mr. Shepherd.

Please let me know if you have any questions or concerns or if you would like to have a copy of the full investigation. The ordinance requires that the Chief respond in writing regarding which recommendations are accepted, rejected, or will be implemented with modifications within thirty (30) days of the submission of a recommendation for action by the Board to the Chief. See Sec. 2-2211(O) of Ordinance 07-010141.

Sincerely,



Joy Morrissey
Board Chair

cc: Mayor Kasim Reed
Council President Caesar Mitchell
Members of City Council
ACRB Board Members